

Anthony Bornstein, OSB 861305
Assistant Federal Public Defender
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524
tony_bornstein@fd.org

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALLEN T. REED,

Case No. 2:21-cv-01499-HZ

Petitioner,

STATUS REPORT

v.

BRANDON KELLY,
Respondent.

The petitioner, through counsel, Anthony Bornstein, hereby provides the following report on the status of his state proceedings and, further, respectfully submits a joint recommendation regarding scheduling in the instant federal habeas corpus case. Undersigned counsel has conferred on this report and proposal with counsel for Respondent, Assistant Attorney General Nick Kallstrom.

On March 19, 2024, the Oregon Court of Appeals granted Mr. Reed's motion to voluntarily dismiss his direct appeal from the judgment, following resentencing, in his underlying criminal case. On that day, Mr. Reed's appeal was dismissed. Hence, no further state proceedings involving Mr. Reed are pending.

Counsel for the parties in the instant case jointly propose the following schedule for further briefing and scheduling. The parties propose that petitioner, through counsel, within 21 days of today, or by April 24, 2024, file an amended petition that addresses the new judgment in the underling criminal case. The habeas corpus claims in the proposed amended petition will mirror those advanced in the Brief in Support of the Petition for Writ of Habeas Corpus, filed on May 12, 2023. (CR 41). Counsel for Respondent will then file a Reply to petitioner's brief within 60 days, or by June 24, 2024, after the filing of the Amended Petition. The parties may approach the Court, thereafter, with a request for leave to file any sur-replies.

Respectfully submitted on April 3, 2024.

/s/ *Anthony Bornstein*
Anthony Bornstein
Attorney for Petitioner